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Attorney for Maryam Varzandeh

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In Re:

MARYAM VARZANDEH

Case No. 2010-25207
Hearing Date: July 5, 2011
Hearing Time: 9:30 a.m.
Courtroom 35, 6th Floor
Honorable Christopher Klein
Docket Control No.: AHW-01

Debtor

MOTION TO COMPEL THE TRUSTEE TO
ABANDON THE ESTATE'S INTEREST IN REAL PROPERTY

Alice H. Ware, of Law Office of Alice H. Ware, on behalf of Maryam Varzandeh, the Debtor herein, hereby moves this Court for an Order Compelling the Trustee to Abandon the Estate's interest in Real Property. This Motion is based on the following facts:

1. This case was commenced with the filing of a petition on March 4, 2010. David Gravell was duly appointed to serve as the Trustee in this case.
2. This motion is brought pursuant to 11 U.S.C. §554(b) and Rule 6007 of the Federal Rules of Bankruptcy Procedure.
3. As shown Schedule A of the filed schedules of this case, the Debtor has an interest in the real property commonly-known as 2013 Frensham Drive in Roseville, CA 95661 (hereinafter, the "ASSET"). A copy of schedule A is shown in the concurrently-filed Exhibits and is incorporated herein by reference. The Debtor believes and asserts that the reasonable, fair-market value of the ASSET is \$356,500.00.

4. This asserted value is based on the opinion of the Debtor. The Declaration of the Debtor in support of this value is filed concurrently with this Motion and incorporated herein by reference.

5. As shown in Schedule D of the filed case, Countrywide Home Lending Bank of America and Placer County Tax Collector hold valid security interests in the ASSET. A copy of schedule D is shown in the concurrently-filed Exhibits and is incorporated herein by reference.

6. The Debtor further believes and asserts that the present balance owed by the Debtor to these creditors aggregate **\$460,182.00**.

7. As shown in Schedule C of the filed case, the Debtor has not claimed an exemption in this ASSET. A copy of Schedule C is shown in the concurrently-filed Exhibits and is incorporated herein by reference.

8. In summary

Value of ASSET	\$356,500.00
Less: Creditor liens	<u>\$460,182.00</u>
Adjusted Equity	\$.00
Less: Exemption claimed	<u>\$.00</u>
Net Equity.....	<u>\$ 0</u>

9. Pursuant to §554(b) of Title 11 US Codes¹, the Court may order the Trustee to abandon the estate's interest in assets of the estate.

10. Federal Rule of Bankruptcy Proceeding 6007(b) permits a party in interest, including the Debtor, to file a motion seeking to compel the Trustee to abandon property of the estate.

¹ 11 US Codes, §554(b): "On request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate."

1 11. Based on the foregoing and the Declarations filed herewith, the Debtor asserts that
2 the value of the estate's interest in the ASSET is \$0.00.
3

4 RESTATEMENT

5 WHEREFORE, the Debtor moves the Court to compel the Trustee to Abandon the
6 estate's interest in this ASSET.
7

8 Respectfully submitted on June 6, 2011.
9

10 /s/ Alice H. Ware

11 Alice H. Ware, CA SBN 102428
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UNITED STATES BANKRUPTCY COURT
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Debtor's

DECLARATION IN SUPPORT OF MOTION TO COMPEL THE TRUSTEE TO
ABANDON THE ESTATE'S INTEREST IN REAL PROPERTY

I, Maryam Varzandeh, the Debtor herein, hereby declare:

1. The matters as set forth in this declaration are true to the best of my own knowledge; and, if called upon to do so, I could and would competently testify to them.
2. I am the Debtor in the above-entitled Bankruptcy case. My case was commenced with the filing of a petition on March 4, 2010. David Gravell was duly appointed to serve as Trustee.
3. The Schedules filed on my case disclose my interest in the real property commonly-known as 2013 Frensham Drive in Roseville, CA 95661 (hereinafter, the "ASSET").
4. I believe and assert that the reasonable, filing date fair-market value of the ASSET is **\$356,500.00.**
5. As shown in Schedule D of my case, Countrywide Home Lending aka Bank of America and Placer County Tax Collector hold valid security interests in the ASSET.

1 6. The Schedules filed on my case reflect that the present balance owed to these creditors
2 aggregate **\$460,182.00**.

3 7. As shown in Schedule C of my case, I have not claimed an exemption in this ASSET.

4 8. Based on the value of the ASSET, the inte rests held by the secured creditors and the
5 claimed exemption, if any, I believe and as sert that the value of the estate's interest in
6 the ASSET is \$0.00.

7 Wherefore, I join with my attorney in moving this Court to Compel the Trustee to Abandon
8 the Estate's interest in the ASSET.

9
10 CERTIFICATION

11 I, Maryam Varzandeh, hereby certify under penalty of perjury that I have read the
12 foregoing Declaration in Support of Motion to Compel the Trustee to Abandon the Estat e's
13 interest in Real Property. I further certify that the contents thereof are true and correct to
14 the best of my knowledge and belief.

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16 Executed on June 6, 2011 at Roseville, CA.

17 /s/ Maryam Varzandeh
18 Maryam Varzandeh
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5 **UNITED STATES BANKRUPTCY COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**

7 In Re:

8 MARYAM VARZANDEH

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Debtor's

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12 **EXHIBITS: SCHEDULES 1, 2 & 3 OF**

13 **Case #2010-25207**

14 **EXHIBIT 1. Schedule A**

15
16 **EXHIBIT 2. Schedule D**

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18 **EXHIBIT 3. Schedule C**

In re **Maryam Varzandeh**Case No. **2010-25207**

Debtor

SCHEDULE A - REAL PROPERTY-EXHIBIT 1

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Residence: Single family Residence 4 bedrooms, 2 bath, approx. 2217 sq. ft. Location: 2013 Frensham Drive, Roseville CA 95661		-	356,500.00	460,182.00

 Sub-Total > **356,500.00** (Total of this page)

 Total > **356,500.00**

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

In re **Maryam Varzandeh**Case No. **2010-25207**

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS- EXHIBIT 2

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R H U S B A N D W I F E J O I N T C O M M U N I T Y	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxx0019		Opened 1/01/07 Last Active 11/20/09					
Countrywide Home Lending Attention: Bankruptcy CA6-919-01-41 Po Box 5170 Simi Valley, CA 93062	-	First Mortgage Residence: Single family Residence 4 bedrooms, 2 bath, approx. 2217 sq. ft. Location: 2013 Frensham Drive, Roseville CA 95661				410,843.00	54,343.00
		Value \$ 356,500.00					
Account No. xxxxx3417		Opened 1/01/07 Last Active 7/14/08					
Countrywide Home Lending Attention: Bankruptcy CA6-919-01-41 Po Box 5170 Simi Valley, CA 93062	-	Second Mortgage Residence: Single family Residence 4 bedrooms, 2 bath, approx. 2217 sq. ft. Location: 2013 Frensham Drive, Roseville CA 95661				44,339.00	44,339.00
		Value \$ 356,500.00					
Account No. 5000		2008-2009					
Placer County Tax Collector 2976 Richardson Drive Auburn, CA 95603-2640	-	Property Taxes Residence: Single family Residence 4 bedrooms, 2 bath, approx. 2217 sq. ft. Location: 2013 Frensham Drive, Roseville CA 95661				5,000.00	5,000.00
		Value \$ 356,500.00					
Account No.							
		Value \$					
Subtotal (Total of this page)						460,182.00	103,682.00
Total (Report on Summary of Schedules)						460,182.00	103,682.00

0 continuation sheets attached

In re **Maryam Varzandeh**Case No. **2010-25207**

Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT-EXHIBIT 3

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. §522(b)(2)☒ 11 U.S.C. §522(b)(3)☐ Check if debtor claims a homestead exemption that exceeds \$136,875.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Cash on Hand			
Cash on Hand Location: 2013 Frensham Drive, Roseville CA 95661	C.C.P. § 703.140(b)(5)	100.00	100.00
Checking, Savings, or Other Financial Accounts, Certificates of Deposit			
Checking Account #3301 American River Bank 2240 Douglas Blvd. Roseville, CA 95661	C.C.P. § 703.140(b)(5)	1,062.00	1,062.00
Savings Account #6310 American River Bank 2240 Douglas Blvd. Roseville, CA 95661	C.C.P. § 703.140(b)(5)	14,593.00	14,593.00
Household Goods and Furnishings			
Furniture: Living Room furnishings, couch, lamps, Tv, coffee table, beds (3) Dressers, dining table kitchen table, chairs, desks, books cds, cd player kitchen appliances, utensils, dishes, DVR player Location: 2013 Frensham Drive, Roseville CA 95661	C.C.P. § 703.140(b)(3)	1,700.00	1,700.00
Office: Computer, printer, cell phones Location: 2013 Frensham Drive, Roseville CA 95661	C.C.P. § 703.140(b)(3)	700.00	700.00
Wearing Apparel			
Wearing apparel, Jackets, shoes for self and 2 children Location: 2013 Frensham Drive, Roseville CA 95661	C.C.P. § 703.140(b)(3)	400.00	400.00
Furs and Jewelry			
Jewelry: watches, rings, necklaces, bracelets Location: 2013 Frensham Drive, Roseville CA 95661	C.C.P. § 703.140(b)(4)	75.00	75.00
Firearms and Sports, Photographic and Other Hobby Equipment			
Sports-Hobby: Snow skis, poles, boots Location: 2013 Frensham Drive, Roseville CA 95661	C.C.P. § 703.140(b)(5)	500.00	500.00
Musical: guitar, organ Location: 2013 Frensham Drive, Roseville CA 95661	C.C.P. § 703.140(b)(5)	400.00	400.00
Other Liquidated Debts Owning Debtor Including Tax Refund			
Estimated Income Tax Refund from IRS	C.C.P. § 703.140(b)(5)	400.00	400.00

In re **Maryam Varzandeh**Case No. **2010-25207**

Debtor

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT-EXHIBIT 3

(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Estimated Income Tax Refund from Franchise Tax Board	C.C.P. § 703.140(b)(5)	200.00	200.00
<u>Automobiles, Trucks, Trailers, and Other Vehicles</u>			
Other Vehicle: motor scooter	C.C.P. § 703.140(b)(5)	400.00	400.00
Location: 2013 Frensham Drive, Roseville CA 95661			
<u>Machinery, Fixtures, Equipment and Supplies Used in Business</u>			
COSMOTOLOGY SUPPLIES: hot tools, scissors, clippers, combs, brushes	C.C.P. § 703.140(b)(6)	350.00	350.00
Brockway			
2351 Sunset Blvd, Suite 130, Rocklin, CA 95765			